

Have had the same under consideration, and we report the same back to the Senate with the recommendation that it do pass.

Harper, Chairman; Hudspeth, Watson, Stokes, Cofer, Sturgeon, Murray, Greer, Real, Alexander.

(Floor Report.)

Austin, Texas, July 28, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

Senate bill No. 6, A bill to be entitled "An Act to prohibit the exhibition of prize fights or glove contests, and any obscene, indecent or immoral show or exhibition by means of moving picture films, bioscopes, magic lanterns or other devices, in moving picture shows, theaters, or any other place whatsoever, by any association, corporation, firm or person; providing penalties therefor, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

Harper, Chairman; Hudspeth, Alexander, Real, Watson, Murray, Cofer, Senter.

SIXTH DAY.

Senate Chamber,
Austin, Texas,

Friday, July 29, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Watson, the same was dispensed with.

SIMPLE RESOLUTION.

By Senator Harper:

Resolved, That the Secretary of the Senate be allowed postage for the Third Called Session in amount not to exceed \$3.00, to be paid out of the contingent expense fund.

The resolution was read and adopted.

EXECUTIVE SESSION—TIME SET FOR.

Senator Cofer moved that the Senate go into Executive Session at 10:30 o'clock today for the purpose of considering appointments sent to the Senate on yesterday.

The motion was unanimously adopted by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Kauffman.	Willacy.
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BILLS AND RESOLUTIONS.

By Senators Ward, Sturgeon and Willacy:

Senate bill No. 7, A bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing on the first day of July, 1909, and the first day of September, 1910, for issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of such other bonds, and the manner of exchange of the new bonds, and declaring an emergency."

Read first time, and referred to Finance Committee.

By Senator Ward:

Senate bill No. 8, A bill to be entitled "An Act authorizing the Comptroller of Public Accounts to pay off, discharge and cancel bonds aggregating the sum of \$13,200, issued by the State of Texas, bearing date July 1, 1879, and due July 1, 1909, together with interest accrued thereon up to the time of the passage and taking effect of this act, and now held by an individual or individuals, corporation or corporations, upon presentation of said bonds for payment, and providing for interest to cease upon said bonds after the passage and taking effect of this act, and making an appropriation of the sum of \$15,500 for that purpose, and declaring an emergency."

Read first time, and referred to Finance Committee.

Morning call concluded.

SENATE BILL NO. 4.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 4, A bill to be entitled "An Act to prohibit any person or persons, association or corporation to give, have or exhibit or be in any way concerned in giving, having or exhibiting or to permit or allow in or on any premises, property, building of structure of any character owned, controlled or managed by any such person or persons, association or corporation, any show at which is exhibited or displayed, or in any street or road, any moving or motion picture, films, or either representation of like character, of any prize fight, or pugilistic contest or encounter between man and man, or between man and beast, or to exhibit by such means and manner in such places an obscene view or picture of a person or beast within this State; and to provide penalties therefor, and to define the term 'obscene,' and to repeal all laws in conflict with this act; and providing that this act shall in no way repeal or be in conflict with Chapter 10, Articles 1005 and 1005a of the Penal Code of Texas, and declaring an emergency."

Senator Alexander moved to lay Senate bill No. 4 on the table, subject to call.

Senator Ward moved to table the motion to lay Senate bill No. 4 on the table subject to call.

The motion to table was adopted by the following vote:

Yeas—22.

Adams.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Holsey.	Terrell of Wise.
Hudspeth.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Nays—6.

Alexander.	Kellie.
Hume.	Perkins.
Kauffman.	Terrell of McLennan.

Present—Not Voting.

Terrell of Bowie.

Absent.

Harper.

Senator Mayfield offered the following amendment, which was read and adopted:

Amend Senate bill No. 4, line 1, by adding after the word "Cofer," the words "Alexander and Perkins."

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, July 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 1, Providing for the appointment of a committee to investigate certain charges made against the Regular and former Called Sessions of this Legislature.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE CONCURRENT RESOLUTION NO. 1 REFERRED TO COMMITTEE.

The Chair (Lieutenant Governor Davidson) had referred, after its cap-

tion had been read, the following resolution:

House Concurrent Resolution No. 1, referred to Committee on Privileges and Elections.

EXECUTIVE SESSION.

The hour 10:30 o'clock having arrived, the Senate resolved itself into Executive Session, as per adopted motion this morning.

In Executive Session, the following confirmations were made:

Chief Justice of the Court of Civil Appeals of the Third Supreme Judicial District of Texas—W. M. Key of Travis county.

Associate Justice of the Court of Civil Appeals of the Third Supreme Judicial District of Texas—C. H. Jenkins of Brown county.

Tax Commissioner of the State of Texas—L. T. Dashiell of Leon county.

IN THE SENATE.

SENATE BILL NO. 4.

Action recurred on Senate bill No. 4, the question being on the engrossment of the bill.

Senator Hudspeth offered the following amendment:

Amend the bill by striking out "Section 1" thereof, and inserting the following:

"Section 1. It shall be unlawful for any association, corporation, partnership, firm, or person, to give or present to the public an exhibition of prize fights or glove contests or of any obscene, or immoral pictures of any character whatsoever, by means of moving picture films, bioscopes, vitiscopes, magic lanterns or other device or devices in moving picture shows, theaters, or any other place whatsoever."

HUDSPETH,
WATSON,
SENER.

Senator Ward moved to table the amendment.

Senator Watson made the point of order on the bill, stating that the section of the bill being considered did not come within the bounds of the Governor's recommendations.

Pending discussion on the point, the Chair (Lieutenant Governor Davidson) stated that he would withhold a ruling

on same until after the Senate had voted on the pending amendment.

Senator Murray offered the following substitute for the amendment:

Amend the bill by striking out all of "Section 1," and insert the following in lieu thereof:

"Section 1. It shall be unlawful for any association, corporation, partnership, firm, or person, to give or present to the public an exhibition of prize fights or glove contests by means of moving picture films, bioscopes, vitiscopes, magic lanterns or other device or devices in moving picture shows, theaters, or any other place whatsoever."

The authors of the original amendment here withdrew same, which made the substitute the amendment.

Senator Ward moved to table the amendment by Senator Murray.

Senator Kellie moved the previous question on the amendment, which motion, being duly seconded, was so ordered.

Action recurred on the motion to table the amendment, which motion was lost by the following vote:

Yeas—12.

Brachfield.	Paulus.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Wise.
Holsey.	Veale.
Mayfield.	Ward.

Nays—17.

Adams.	Peeler.
Alexander.	Perkins.
Bryan.	Senter.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kauffman.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Real.

Action then recurred on the amendment by Senator Murray, and the same was adopted by the following vote:

Yeas—18.

Adams.	Kellie.
Alexander.	Meachum.
Bryan.	Murray.
Hudspeth.	Paulus.
Hume.	Peeler.
Kauffman.	Perkins.

Senter, Watson.
 Terrell of Bowie. Weinert.
 Terrell of McLennan. Willacy.

Nays—11.

Brachfield. Stokes.
 Cofer. Sturgeon.
 Greer. Terrell of Wise.
 Harper. Veale.
 Holsey. Ward.
 Mayfield.

Absent.

Real.

Senator Watson offered the following amendment, which was read and adopted:

Amend the bill by striking out all of "Section 3."

Senator Alexander offered the following amendment:

Amend the bill as amended by inserting after the word "contests," in the amendment just adopted, the words, "or of any obscene, indecent, or immoral picture of any character whatsoever."

Senator Watson made the point of order on the amendment that the same subject matter had been acted on in the amendment just adopted.

The Chair overruled the point of order.

The amendment was adopted by the following vote:

Yeas—25.

Adams.	Perkins.
Alexander.	Senter.
Brachfield.	Stokes.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan
Harper.	Terrell of Wise.
Holsey.	Veale.
Hudspeth.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Paulus.	Willacy.
Peeler.	

Nays—4.

Hume.	Kellie.
Kauffman.	Murray.

Absent.

Real.

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill as amended by adding after the word "corporation," wherever

it occurs, the words "or receiver," and by striking out the word "or" between the words "association" and "corporation," wherever they occur, and insert in lieu thereof a comma, and by inserting the words "or receiver" after the word "corporation" wherever it appears in the bill and in the caption.

Senator Ward offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "corporation" the following, "or any agent or employe of any person, association or corporation."

HARPER,
 WARD.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out all of line 6 down to and including the word "obscene," in line 17, and insert the following: "An Act to prohibit the exhibition of prize fights or glove contests, and any obscene, indecent or immoral show or exhibition by means of moving picture films, bioscopes, magic lanterns or other devices, in moving picture shows, theaters, or any other place whatsoever, by any association, corporation, firm or person: providing penalties therefor, and declaring an emergency."

SIMPLE RESOLUTION.

By Senator Willacy:

Whereas, Hood's Brigade Monument Association desires to hold memorial services upon the occasion of the unveiling of the statue, erected upon the Capitol grounds, and decided by the patriotic people of Texas to the heroic Hood's Brigade; and

Whereas, The said Hood's Brigade Monument Association desire the use of the Senate Chamber in which to conduct said memorial services; therefore, be it

Resolved by the Senate, That the use of the Senate Chamber is hereby tendered to said association for said purposes and at such time as said association may determine; and be it further

Resolved, That the Superintendent of Public Buildings and Grounds be and is hereby directed to permit the use of the Senate Chamber for the purpose herein set forth.

The resolution was read and adopted.

REFUSE TO RECESS.

Senator Sturgeon moved that the Senate recess until 2 o'clock today.
The motion was lost.

SENATE BILL NO. 4.

Action recurred on Senate bill No. 4.
Senator Meachum offered the following amendment:

Amend the bill by striking out all after the enacting clause and substituting the following:

"Section 1. It shall hereafter be unlawful for any person or persons, association, corporation or receiver, to reproduce or exhibit by any motion picture or other device for exhibition within this State the Jeffries-Johnson prize fight recently held at Reno in the State of Nevada, or any like contest, at any place within this State.

"Sec. 2. Any person or persons, association, corporation or receiver violating any of the provisions of this act shall upon conviction thereof be fined in any sum not less than fifty dollars and not more than two hundred dollars or by imprisonment of any person, officer, agent or receiver of any corporation, partnership or association violating any of the provisions of this act in the county jail for not less than thirty days nor more than sixty days or by both such fine and imprisonment, and each day's violation of this act shall constitute and be punishable as a separate offense.

"Sec. 3. The fact that there is now no law in this State which will prevent the exhibition of the Jeffries-Johnson prize fight or like contests, constitutes an imperative public necessity that the constitutional rule requiring that bills be read in each house of the Legislature on three several days be suspended, and said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

MEACHUM,
HUME,
SENER.

Senator Sturgeon moved to table the amendment, which motion was adopted by the following vote:

Yeas—18.

Alexander.	Bryan.
Brachfield.	Cofer.

Greer.
Harper.
Holsey.
Mayfield.
Paulus.
Perkins.
Stokes.

Sturgeon.
Terrell of Bowie.
Terrell of Wise.
Veale.
Ward.
Watson.
Willacy.

Nays—9.

Adams.
Hume.
Kauffman.
Meachum.
Murray.

Peeler.
Senter.
Terrell of McLennan.
Weinert.

Absent.

Hudspeth.
Kellie.

Real.

Bill read second time, and ordered engrossed.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Holsey.
Hudspeth.
Mayfield.
Meachum.
Murray.
Paulus.

Peeler.
Perkins.
Senter.
Stokes.
Sturgeon.
Terrell of Bowie.
Terrell of Wise.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Nays—2.

Hume.

Kauffman.

Absent.

Kellie.
Real.

Terrell of McLennan.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.
Alexander.
Brachfield.
Bryan.
Cofer.
Greer.
Harper.
Holsey.

Hudspeth.
Mayfield.
Murray.
Paulus.
Peeler.
Perkins.
Senter.
Stokes.

Sturgeon.	Ward.
Terrell of Bowie.	Watson.
Terrell of McLennan.	Weinert.
Terrell of Wise.	Willacy.
Veale.	

Nays—3.

Hume.	Meachum.
Kauffman.	

Absent.

Kellie.	Real.
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Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

ASSIGNMENT TO STANDING COMMITTEES.

The Chair (Lieutenant Governor Davidson) authorized the assignment of the following on standing committees:

Senator Terrell of Wise assigned as Chairman of Committee on Public Buildings and Grounds.

Senator Kauffman assigned as a member of Committee on Insurance, Statistics and History.

ADJOURNMENT.

Senator Sturgeon moved that the Senate recess until 4 o'clock today.

Senator Weinert moved that the Senate adjourn until Monday morning at 10 o'clock.

Action being on the longest time first, the motion to adjourn until Monday morning was adopted by the following vote:

Yeas—16.

Adams.	Peeler.
Harper.	Senter.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kauffman.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Nays—12.

Alexander.	Mayfield.
Brachfield.	Perkins.
Bryan.	Stokes.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Holsey.	Terrell of Wise.

Absent.

Kellie.	Real.
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APPENDIX.

PETITIONS AND MEMORIALS.

By Senator Senter:

Copper, Texas, July 16, 1910.

Resolved, That the Dallas County Farmers' Union recommend that a petition be mailed to our State Senator, and to our members of the Legislature, prevailing upon them to amend the Anti-Trust Laws so as to benefit the whole people and not permit such practices as imposing restrictions and fines on corporations merely for the purpose of putting fees in the pockets of a few individuals, and that the life insurance laws of Texas be so amended as to permit the return to Texas of the vast amount of life insurance capital which our present life insurance laws caused to leave the State, and we recommend that a copy of this resolution be sent to each member of the Legislature of Dallas county, and also our State Senator, and that a copy be sent to Mr. J. E. Pearson, Dodd City, R. F. D. No. 2, President of the Northeast Texas District Farmers' Union, and we recommend that other district unions take similar steps throughout the entire district.

J. R. DUNCAN,

(Seal.) Chairman;

E. B. PLUMLEE,

A. BINTLEY.

F. E. HILTON,

Secretary of Dallas County Farmers' Union.

SEVENTH DAY.

Senate Chamber,

Austin, Texas,

Monday, August 1, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Hudspeth.
Alexander.	Hume.
Brachfield.	Kauffman.
Bryan.	Kellie.
Cofer.	Meachum.
Greer.	Murray.
Harper.	Paulus.
Holsey.	Peeler.